

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMMANUEL CORNET, JUSTINE DE
CAIRES, GRAE KINDEL, ALEXIS
CAMACHO, and JESSICA PAN,
EMILY KIM, MIGUEL ANDRES
BARRETO, and BRETT MENZIES
FOLKINS,

Plaintiffs,

v.

TWITTER, INC.,

Defendant.

C.A. No. 23-cv-441-CFC

**DEFENDANT'S MOTION TO DISMISS COUNTS I, II, AND III OF
PLAINTIFFS' SECOND AMENDED COMPLAINT OR, IN THE
ALTERNATIVE, STRIKE PLAINTIFFS' CLASS ALLEGATIONS**

Defendant Twitter, Inc., by and through undersigned counsel, moves the Court to (i) dismiss with prejudice Counts I, II, and III of Plaintiffs' Second Amended Complaint pursuant to Rules 12(b)(1) and (b)(6) of the Federal Rules of Civil Procedure for lack of standing and failure to state a claim, or alternatively, (ii) strike the class allegations in paragraph 7 and sub-section (f) of the final unnumbered paragraph of Plaintiffs' Second Amended Complaint under Rule 12(f) of the Federal Rules of Civil Procedure.

The grounds for this motion are set forth in Defendant's opening brief accompanying this Motion.

Dated: May 17, 2023

MORGAN, LEWIS & BOCKIUS LLP

/s/ Jody C. Barillare

Jody C. Barillare (#5107)
1201 North Market Street, Suite 2201
Wilmington, DE 19801
Tel: 302.574.3000
jody.barillare@morganlewis.com

Attorneys for Defendant Twitter, Inc.